

**Minutes of Meeting
BOARD FOR CONTRACTORS
INFORMAL FACT-FINDING CONFERENCES
February 23, 2005**

The Board for Contractors convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

James Hollar, Board member, presided. No other Board members were present.

Jeffrey Buckley appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc = Disciplinary Case
Lic = Licensing Application
RF = Recovery Fund Claim
Trades = Tradesmen Application

C = Complainant/Claimant
A = Applicant
R = Respondent/Regulant
W = Witness
Atty = Attorney

Participants

1. Mark & Collette Johnson and
Karlins Construction Corporation
File Number 2004-03250 (RF)

Johnson – C
Jullie Evascoe – C Atty
Wes Paxton – W
Jesse Parker – W
Peter Wilson – W

2. William and Kristin Werling and
Edward Pultz
t/a Scott Construction
File Number 2004-03118 (RF)

Werling – C

3. Sharon E. Gray and
Brian R. Lasley
t/a A1 Fence
File Number 2004-03287 (RF)
No decision made

Gray – C

4. Alden Bean and
George H Ross
t/a A & G Custom Home Ltd
File Number 2004-03117 (RF)

Bean – C
S M Franck – C Atty

5. Winifred Ohrstrom Nichols and
Dwayne Callaway
t/a DC Details
File Number 2004-03314 (RF)
No decision made

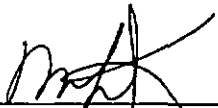
Nichols – C
George Cranwell – C Atty

6. Lennie and Eija Gamage and
Mid-Atlantic Building Corp
t/a Forest Hill Associates
File Number 2004-03220 (RF)
No decision made

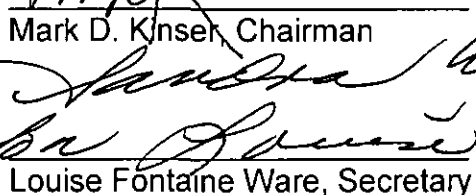
Gamage – C

The meeting adjourned at 5:15 p.m.

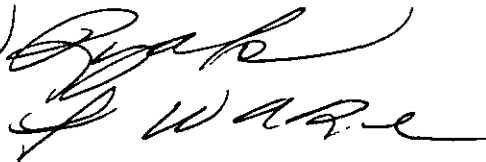
BOARD FOR CONTRACTORS



Mark D. Kinser, Chairman



Louise Fontaine Ware, Secretary



COPY TESTE:

Custodian of Records

**IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR CONTRACTORS**

Re: Mark Johnson (Claimant) and Karlins Construction Corporation (Regulant)

File Number: 2004-03250
License Number: 2705037704

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On January 7, 2005, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Mark and Collette Johnson, c/o Katherine Tarter, Esquire ("Claimants") and Karlins Construction Corporation ("Regulant"). The Notice included the Claim Review, which contained the facts regarding the recovery fund claim. The certified mail was signed for and received by both the Claimants and the Regulant.

On February 23, 2005, an Informal Fact-Finding Conference ("IFF") convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Mark Johnson ("Johnson"), Claimant; Jullie Evasco, Claimant's Attorney; Wes Paxton ("Paxton"), Jesse Parker ("Parker"), and Peter Wilson ("Wilson"), Witnesses; Jeffrey W. Buckley, Staff Member; and James Hollar, Presiding Board Member. Neither Karlins Construction Corporation nor anyone on its behalf appeared at the IFF.

RECOMMENDATION

Based upon the evidence and the IFF, the following is recommended regarding the recovery fund claim:

On August 17, 2001, the Claimant purchased real estate property at 105 Avonlea Drive, Chesapeake, Virginia, from the Regulants. The subject property was constructed by the Regulants.

During the IFF, Paxton testified to the presence of excessive water and to the condition of the subject property.

During the IFF, Parker testified he initially went to the subject property at the request of Karlins Construction Company. Parker stated he witnessed excessive water and saturated ground at the subject property.

On June 25, 2003, in the Chesapeake General District Court, Civil Division, the Claimants obtained a Judgment against Karlins Construction Corporation, in the amount of \$15,000.00, plus interest and \$36.00 cost. The Warrant in Debt recites "(1) Breach of Contract (2) Breach of Warranty (3) Material misrepresentation and/or conduct constituting gross negligence – (fraud)" as the basis for the suit.

During the IFF, the Claimant's attorney testified that the Claimants actual loss is much greater than the judgment.

Karlins did not return to the subject property to correct warranty items, which he was ordered to correct. Based on the record and the testimony during the IFF, Karlins' conduct were improper.

Therefore, I recommend the recovery fund claim be approved for payment in the amount of \$10,000.00.

By: _____
James Hollar
Presiding Board Member

Board for Contractors

Date: _____

CLAIM REVIEW

TO: Board for Contractors

FROM: Victoria Traylor
Legal Assistant

DATE: November 3, 2004

RE: In the matter of the Virginia Contractor Recovery Act Claim of Mark and
Collette Johnson (Claimants) and Karlins Construction Corporation
(Regulant)
File Number: 2004-03250

BACKGROUND

On June 25, 2003, in the Chesapeake General District Court, Civil Division, Mark & Colette Johnson obtained a Judgment against Karlins Construction Corporation, in the amount of \$15,000.00, plus interest and \$36.00 cost.

The claim in the amount of \$10,000.00 was received by the Department of Professional and Occupational Regulation on January 14, 2004.

CLAIM FILE INFORMATION

Section 54.1-1120(A) requires the claimant to obtain a final judgment in a court of competent jurisdiction in the Commonwealth of Virginia against any individual or entity which involves improper or dishonest conduct.

The Warrant in Debt recites "(1) Breach of Contract (2) Breach of Warranty (3) Material misrepresentation and/or conduct constituting gross negligence – (fraud)" as the basis for the suit.

The blocks designated "Contract" and "Other" have been marked.

Section 54.1-1120(A) also requires the transaction occurring during a period when such individual or entity was a regulant and in connection with a transaction involving contracting. The claimants did contract with the regulant.

The Board issued Class A License Number 2705037704 to Karlins Construction Corporation t/a Karlins Construction Corporation, on February 27, 1997. The license expired on February 28, 2003. The claimants entered into a written contract with Karlins Construction Corporation on August 17, 2001 for the construction of a house.

Section 54.1-1120(A)(1) provides whenever action is instituted against a regulant by any person, such person shall serve a copy of the process upon the Board.

The Board for Contractors was served prior to the claim being filed.

Section 54.1-1120(A)(2) states a copy of any pleading or document filed subsequent to the initial service process in the action against a regulant shall be provided to the Board.

The Board did receive pleadings and documents prior to the claim being filed.

Section 54.1-1120(A)(3) requires a verified claim to be filed no later than twelve months after the judgment becomes final.

A Judgment was entered on June 25, 2003. The claim was received on January 14, 2004.

Section 54.1-1120(A)(4) states the claimant shall be an individual whose contract with the regulant involved contracting for the claimant's residence.

The claimants entered into a written contract with Karlins Construction Corporation on August 17, 2001 for the construction of a house.

Section 54.1-1120(A)(5) prohibits recovery when the claimant is an employee of such judgment debtor, vendor of such judgment debtor, another licensee, the spouse or child of such judgment debtor nor the employee of such spouse or child, or any financial or lending institution nor anyone whose business involves the construction or development of real property.

On Question Number 6 of the Claim Form, the claimant was asked: Are you a vendor of the regulant (contractor)? Are you an employee, spouse or child of the regulant (contractor) or an employee of such spouse or

child? Do you hold, or have you ever held, a Virginia Class A or Class B State Contractor's license or registration? Do you operate as a financial or lending institution? Does your business involve the construction or development of real property? Claimant answered "No."

Section 54.1-1120(A)(6) states no directive from the fund shall be entered until the claimant has filed with the Director's Office a verified claim containing the following statements: (a) that the claimant has conducted debtor's interrogatories to determine whether the judgment debtor has any assets which may be sold or applied in satisfaction of the judgment; (b) a description of the assets disclosed by such interrogatories; (c) that all legally available actions have been taken for the sale, or application of the disclosed assets and the amount realized therefrom; and (d) the balance due the claimant after the sale or application of such assets.

Debtor's interrogatories were conducted. As noted in the transcript from the debtor interrogatories meeting, the regulant stated that he only had \$1.68 in his bank account at Monarch Bank, which is now closed. No other assets were revealed.

Section 54.1-1120(A)(7) states a claimant shall not be denied recovery from the Fund due to the fact the order for the judgment filed with the verified claim does not contain a specific finding of "improper and dishonest conduct." Any language in the order that supports the conclusion that the court found that the conduct of the regulant involved improper or dishonest conduct may be used by the Board to determine eligibility for recovery from the Fund.

The Warrant in Debt recites "(1) Breach of Contract (2) Breach of Warranty (3) Material misrepresentation and/or conduct constituting gross negligence – (fraud)" as the basis for the suit.
The blocks designated "Contract" and "Other" have been marked.

In the Affidavit of Facts dated April 25, 2003, the claimants assert that they contracted with the regulant for the purchase of a home. The regulant failed to construct the home in a workmanlike manner or as specified in the contract. The regulant failed to properly grade the property; construct the foundation, and provide runoff of drainage for the property. The regulant falsely represented that the home was free of structural defects and constructed in a workmanlike manner.

Section 54.1-1120(B) requires if the regulant has filed bankruptcy, the claimant shall file a claim with the proper bankruptcy court. If no distribution is made, the claimant may then file a claim with the Board.

On Question Number 5 of the Claim Form, the claimant was asked if, to their knowledge, the regulant had filed for bankruptcy? In response to this question, the claimant responded, "No."

Section 54.1-1123(C) excludes from the amount of any unpaid judgment any sums representing interest, or punitive or exemplary damages.

The Claim Form does not include interest or damages.

**IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR CONTRACTORS**

Re: William and Kristin Werling (Claimant) and Edward S. Pultz Jr., t/a Scott Construction (Regulant)

File Number: 2004-03118
License Number: 2705022827

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On January 25, 2005, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to William and Kristin Werling ("Claimant"), c/o Michael L. Heikes, Esquire, and Edward S. Pultz Jr., t/a Scott Construction ("Regulant"). The Notice included the Claim Review, which contained the facts regarding the recovery fund claim. The certified mail was signed for and received by the Claimants. The certified mail sent to the Regulant was returned by the United States Postal Service marked "Not deliverable as addressed, unable to forward."

On February 23, 2005, an Informal Fact-Finding Conference ("IFF") convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: William and Kristin Werling, Claimants; Jeffrey W. Buckley, Staff Member; and James Hollar, Presiding Board Member. Neither Edward S. Pultz Jr., t/a Scott Construction nor anyone on his behalf appeared at the IFF.

RECOMMENDATION

Based upon the evidence and the IFF, the following is recommended regarding the recovery fund claim:

During the IFF, the Claimants stated they purchased property in Ford's Colony and subsequently entered into a contract with Scott's Construction to build a home on the subject property. Upon completion of construction, the Regulant provided an Affidavit of Completion and Indemnity, as well as a Final Waiver and Release of Liens, which represented all expenses were paid on the subject property. The Claimants paid Scott's Construction in full for the home constructed. The Claimants stated Scott's Construction failed to pay half of the 3% marketing fee and a subcontractor.

Scott's Construction failed to honor the warranty and repair the chimney. The Claimants subsequently paid an additional \$350.00 to repair the chimney.

During the IFF, the Claimants testified they would like to revise their claim to include an additional \$350.00 for chimney repair and \$34.00 for court costs. Based on the additional expenses, the total for the revised claim is \$6,877.50.

Therefore, I recommend the recovery fund claim be approved for payment in the amount of \$6,877.50, which includes the \$5,175.00 judgment, \$68.00 in court costs, \$1,284.50 in attorney's fees, and \$350.00 in actual loss for repair of the chimney.

By: _____
James Hollar
Presiding Board Member

Board for Contractors

Date: _____

CLAIM REVIEW

TO: Board for Contractors

FROM: Victoria S. Traylor
Legal Assistant

DATE: December 9, 2004

RE: In the matter of the Virginia Contractor Transaction Recovery Act Claim of William R. and Kristin R. Werling (Claimants) and Edward S. Pultz, Jr. t/a Scott Construction (Regulant)
File Number: 2004-03118

BACKGROUND

On June 26, 2003, in the United States Bankruptcy Court, Eastern District of Virginia, Division, Edward Scott Pultz, Jr., filed a Chapter 7 Petition.

The claim in the amount of \$6,493.50 was received by the Department of Professional and Occupational Regulation on November 6, 2003.

CLAIM FILE INFORMATION

Section 54.1-1120(A) requires the claimant to obtain a final judgment in a court of competent jurisdiction in the Commonwealth of Virginia against any individual or entity which involves improper or dishonest conduct.

Edward Scott Pultz, Jr., filed for bankruptcy protection, therefore judgment was not obtained.

Section 54.1-1120(A) also requires the transaction occurring during a period when such individual or entity was a regulant and in connection with a transaction involving contracting.

The claimants did not contract with the regulant.

The Board issued Class A License Number 270522827 to Edward S. Pultz, Jr. t/a Scott Construction on February 22, 1994. The license expired on February 29, 2004. The claimants entered into a written contract with Scott Construction, Custom Home Building on November 3, 2000 for the construction of the claimants' residence.

Section 54.1-1120(A)(1) provides whenever action is instituted against a regulant by any person, such person shall serve a copy of the process upon the Board.

The Board for Contractors was not served prior to the claim being filed.

Section 54.1-1120(A)(2) states a copy of any pleading or document filed subsequent to the initial service process in the action against a regulant shall be provided to the Board.

The Board did not receive any pleadings or documents prior to the claim being filed.

Section 54.1-1120(A)(3) requires a verified claim to be filed no later than twelve months after the judgment becomes final.

The claim was received on November 3, 2003. Judgment was not obtained.

Section 54.1-1120(A)(4) states the claimant shall be an individual whose contract with the regulant involved contracting for the claimant's residence.

The claimants entered into a contract with Scott Construction, Custom Home Building for the construction of a house.

Section 54.1-1120(A)(5) prohibits recovery when the claimant is an employee of such judgment debtor, vendor of such judgment debtor, another licensee, the spouse or child of such judgment debtor nor the employee of such spouse or child, or any financial or lending institution nor anyone whose business involves the construction or development of real property.

On Question Number 6 of the Claim Form, the claimant was asked: Are you a vendor of the regulant (contractor)? Are you an employee, spouse or child of the regulant (contractor) or an employee of such spouse or child? Do you hold, or have you ever held, a Virginia Class A or Class B State Contractor's license or registration? Do you operate as a financial or lending institution? Does your business involve the construction or

development of real property? Claimant answered "No."

Section 54.1-1120(A)(6) states no directive from the fund shall be entered until the claimant has filed with the Director's Office a verified claim containing the following statements: (a) that the claimant has conducted debtor's interrogatories to determine whether the judgment debtor has any assets which may be sold or applied in satisfaction of the judgment; (b) a description of the assets disclosed by such interrogatories; (c) that all legally available actions have been taken for the sale, or application of the disclosed assets and the amount realized therefrom; and (d) the balance due the claimant after the sale or application of such assets.

Debtor's interrogatories were not conducted. The regulant filed for bankruptcy protection.

Section 54.1-1120(A)(7) states a claimant shall not be denied recovery from the Fund due to the fact the order for the judgment filed with the verified claim does not contain a specific finding of "improper and dishonest conduct." Any language in the order that supports the conclusion that the court found that the conduct of the regulant involved improper or dishonest conduct may be used by the Board to determine eligibility for recovery from the Fund.

Judgment was not obtained.

In the Affidavit of Facts dated October 31, 2003, the claimant asserts that the regulant agreed to pay the 3% marketing fee of the contract amount to Ford Colony. The regulant only paid half of the marking fee leaving the balance to be paid by the claimants. The regulant provided an Affidavit of Completion and Indemnity, as well as a Final Waiver and Release of Liens, in which he represented that all expenses had been paid on the claimants' property. The regulant failed to pay a supplier for cabinets. The supplier sued the claimants for the balance due on the cabinets. The case was dismissed due to improper venue and the claimant had no written agreement to indemnify or guarantee payment to the supplier.

Section 54.1-1120(B) requires if the regulant has filed bankruptcy, the claimant shall file a claim with the proper bankruptcy court. If no distribution is made, the claimant may then file a claim with the Board.

On Question Number 5 of the Claim Form, the claimant was asked if, to their knowledge, the regulant had filed for bankruptcy? In response to this question, the claimant responded, "Yes."

Section 54.1-1123(C) excludes from the amount of any unpaid judgment any sums representing interest, or punitive or exemplary damages.

The Claim Form does not include interest or damages.

IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR CONTRACTORS

Re: Alden and Diane Bean (Claimants) and George H. Ross, t/a A & G Custom Home Ltd. (Regulant)

File Number: 2004-03117

License Number: 2701031249

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On December, 3, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Alden and Diane Bean ("Claimants") and George H. Ross, t/a A & G Custom Home Ltd. ("Regulant"). The Notice included the Claim Review, which contained the facts regarding the recovery fund claim. The certified mail was sent to the Claimants was signed for and received. The certified mail sent to the Regulant was returned by the United States Postal Service ("USPS") marked "Unclaimed".

The Department received a letter dated December 27, 2004, from Sheldon Franck, Esquire, indicating that he represents the Claimants and is requesting the Informal Fact-Finding Conference ("IFF") be rescheduled. Mr. Sheldon's request was granted, and a letter rescheduling the IFF was mailed, via certified mail, to the Claimants, c/o Sheldon Franck, Esquire, on December 28, 2004. The letter was signed for and received by the Claimants. The certified mail sent to the Regulant was returned by the USPS marked "Unclaimed".

On February 23, 2005, an IFF convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Alden and Diane Bean, Claimants; Sheldon Franck; Claimants' Attorney; Jeffrey W. Buckley, Staff Member; and James Hollar, Presiding Board Member. Neither George H. Ross, t/a A & G Custom Home Ltd. nor anyone on his behalf appeared at the IFF.

RECOMMENDATION

Based upon the evidence and the IFF, the following is recommended regarding the recovery fund claim:

The Claimants entered into a written contract with George Ross Builder, Inc., on June 3, 2000, for the construction of a house. The contract was signed by George H. Ross. During the IFF, the Claimants testified that their primary contact was always with George Ross. The Claimants further acknowledged that George Ross took full responsibility for the work

outlined within the contract. Moreover, the Third Party Motion For Judgment clearly identifies George Ross as the defendant and specifically cites his license number (270501031249).

On May 12, 2003, in the Circuit Court for the City of Williamsburg and County of James City, Alden Bean, et al, obtained a Judgment Order against George H. Ross, et al, in the amount of \$31,328.68. The Judgment Order recites "improper and dishonest conduct" as the basis of the award. Moreover, the Third Party Motion For Judgment clearly identifies George Ross as the defendant and specifically cites his Class A contractor's license number (270501031249). The Circuit Court for the City of Williamsburg clearly associated George Ross with the contract entered into with the Claimants.

Therefore, I recommend the recovery fund claim be approved for payment in the amount of \$10,000.00

By: _____
James Hollar
Presiding Board Member

Board for Contractors

Date: _____

CLAIM REVIEW

TO: Board for Contractors

FROM: Victoria S. Traylor
Legal Assistant

DATE: September 28, 2004

RE: In the matter of the Virginia Contractor Transaction Recovery Act Claim of Alden and Diane M. Bean (Claimants) and George H. Ross t/a A&G Custom Home Ltd. (Regulant)
File Number: 2004-03117

BACKGROUND

On May 12, 2003, in the Circuit Court for the City of Williamsburg and County of James City, Alden Bean, et al, obtained a judgment Order against George H. Ross, et al, in the amount of \$31,328.68.

The claim in the amount of \$10,000.00 was received by the Department of Professional and Occupational Regulation on November 12, 2003.

CLAIM FILE INFORMATION

Section 54.1-1120(A) requires the claimant to obtain a final judgment in a court of competent jurisdiction in the Commonwealth of Virginia against any individual or entity which involves improper or dishonest conduct.

The Judgment Order recites "improper and dishonest conduct" as the basis of the award.

Section 54.1-1120(A) also requires the transaction occurring during a period when such individual or entity was a regulant and in connection with a transaction involving contracting.

The claimants did not contract with the regulant.

The claimants contracted with George Ross Builder, Inc.,

The Board issued Class A License Number 2701031249 to George H. Ross, t/a A & G Custom Home, Ltd., on February 4, 1988. The license expires on February 28, 2006. The licensing record for the Board for Contractors has George H. Ross listed as the Responsible Management, Designated Employee and Qualified Individual for A&G Custom Home, Ltd. The claimants entered into a written contract with George Ross Builder, Inc., on June 3, 2000, for the construction of a house. The contract was signed by George H. Ross.

Section 54.1-1120(A)(1) provides whenever action is instituted against a regulant by any person, such person shall serve a copy of the process upon the Board.

The Board for Contractors was served prior to the claim being filed.

Section 54.1-1120(A)(2) states a copy of any pleading or document filed subsequent to the initial service process in the action against a regulant shall be provided to the Board.

The Board did receive pleadings and/or documents prior to the claim being filed.

Section 54.1-1120(A)(3) requires a verified claim to be filed no later than twelve months after the judgment becomes final.

An Order was entered on May 12, 2003. The claim was received on November 12, 2003.

Section 54.1-1120(A)(4) states the claimant shall be an individual whose contract with the regulant involved contracting for the claimant's residence.

The claimants entered into a written contract with George Ross Builder, Inc., for the construction of a house.

Section 54.1-1120(A)(5) prohibits recovery when the claimant is an employee of such judgment debtor, vendor of such judgment debtor, another licensee, the spouse or child of such judgment debtor nor the employee of such spouse or child, or any financial or lending institution nor anyone whose business involves the construction or development of real property.

On Question Number 6 of the Claim Form, the claimant was asked: Are you a vendor of the regulant (contractor)? Are you an employee, spouse or child of the regulant (contractor) or an employee of such spouse or child? Do you hold, or have you ever held, a Virginia Class A or Class B State Contractor's license or registration? Do you operate as a financial

or lending institution? Does your business involve the construction or development of real property? Claimants answered "No."

Section 54.1-1120(A)(6) states no directive from the fund shall be entered until the claimant has filed with the Directors Office a verified claim containing the following statements: (a) that the claimant has conducted debtor's interrogatories to determine whether the judgment debtor has any assets which may be sold or applied in satisfaction of the judgment; (b) a description of the assets disclosed by such interrogatories; (c) that all legally available actions have been taken for the sale, or application of the disclosed assets and the amount realized therefrom; and (d) the balance due the claimant after the sale or application of such assets.

Debtor's interrogatories were conducted. No assets were revealed.

Section 54.1-1120(A)(7) states a claimant shall not be denied recovery from the Fund due to the fact the order for the judgment filed with the verified claim does not contain a specific finding of "improper and dishonest conduct." Any language in the order that supports the conclusion that the court found that the conduct of the regulant involved improper or dishonest conduct may be used by the Board to determine eligibility for recovery from the Fund.

The Order recites "improper and dishonest conduct" as the basis of the award.

Section 54.1-1120(B) requires if the regulant has filed bankruptcy, the claimant shall file a claim with the proper bankruptcy court. If no distribution is made, the claimant may then file a claim with the Board.

On Question Number 5 of the Claim Form, the claimant was asked if, to their knowledge, the regulant had filed for bankruptcy? In response to this question, the claimants responded, "No."

Section 54.1-1123(C) excludes from the amount of any unpaid judgment any sums representing interest, or punitive or exemplary damages.

The Claim Form does not include interest or damages.

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: James Hollar
2. Title: Presiding Board Member
3. Agency: Board for Contractors
4. Transaction: Informal Fact-Finding Conferences on February 23, 2005
5. Nature of Personal Interest Affected by Transaction: NONE

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6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

C.M.H. INC, ACCA, PHCC, PMPV.

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

James Hollar
Signature

2-23-05
Date